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Forty-ninth session
SPECIAL POLITICAL AND DECOLONIZATION
COMMITTEE (FOURTH COMMITTEE)
Agenda item 78

REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Cuba, Djibouti, Egypt, Indonesia, Malaysia, Sudan, Tunisia, United Arab Emirates and Yemen: draft resolution

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

A

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 1/ as well as international standards of human rights, in particular the Universal Declaration of Human Rights 2/ and the International Covenants on Human Rights, 3/

1/ United Nations, Treaty Series, vol. 75, No. 973.

2/ Resolution 217 A (III).

3/ Resolution 2200 A (XXI), annex.

Recalling its relevant resolutions, including resolution 2443 (XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the uprising (intifadah) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories 4/ and the relevant reports of the Secretary-General, 5/

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes, and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization at Washington, D.C., on 13 September 1993, 6/ as well as the subsequent implementation agreements, including the Agreement on the Gaza Strip and the Jericho Area of 4 May 1994, 7/

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality;

2. Demands that Israel cooperate with the Special Committee in implementing its mandate;

3. Deplores those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period; 4/

4. Expresses the hope that, in the light of the recent positive political developments, those policies and practices will be brought to an end immediately;

5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the

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4/ See A/49/67, A/49/172 and A/149/511.

5/ A/49/598 to A/49/601.

6/ A/48/486-S/26560, annex.

7/ A/49/180-S/1994/727, annex.

International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory;

7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available such additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its fiftieth session on the tasks entrusted to him in the present resolution;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

B

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories 1/ and the relevant reports of the Secretary-General, 2/

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of

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1/ See A/49/67, A/49/172 and A/49/511.

2/ A/49/598 to A/49/601.

international law is among the basic purposes and principles of the United Nations,

Stressing that Israel, the occupying Power, should strictly comply with its obligations under international law,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/ is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. Demands that Israel accept the de jure applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. Calls upon all States parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, 4/ to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

3/ United Nations, Treaty Series, vol. 75, No. 973.

4/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

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C

The General Assembly,

Recalling its relevant resolutions and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council, the most recent of which is resolution 904 (1994) of 18 March 1994,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories 1/ and the reports of the Secretary-General, 2/

1/ See A/49/67, A/49/172 and A/49/511.

2/ A/49/598 to A/49/601.

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/ to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes, and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization, at Washington, D.C., on 13 September 1993, 4/ as well as the subsequent implementation agreements, including the Agreement on the Gaza Strip and the Jericho Area, signed at Cairo on 4 May 1994, 5/

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho Area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

Concerned about the continued violation of the human rights of the Palestinian people by Israel, the occupying Power, especially in the fields of collective punishment, closure of areas, annexation and establishment of settlements, and the continued actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory,

Concerned in particular about the dangerous situation resulting from actions taken by the illegal, armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

Convinced of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory for the safety and protection of the Palestinian people,

Expressing appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced of the need for the full implementation of Security Council resolution 904 (1994),

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3/ United Nations, Treaty Series, vol. 75, No. 973.

4/ A/48/486-S/26560, annex.

5/ A/49/180-S/1994/727, annex.

1. Determines that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/ and contrary to the relevant resolutions of the Security Council, are illegal and have no validity, and demands that Israel desist forthwith from taking any such measures or actions;

2. Reaffirms in particular that the Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the other Arab territories occupied by Israel since 1967 are illegal and an obstacle to achieving comprehensive peace;

3. Notes with satisfaction the return of a number of deportees to the occupied Palestinian territory, and calls upon Israel to facilitate the return of the remainder;

4. Calls upon Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. Calls for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the West Bank;

6. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

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D

The General Assembly,

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was 48/41 D of 10 December 1993,

Having considered the report of the Secretary-General of 31 October 1994, 1/

Recalling further its previous relevant resolutions in which, inter alia, it called upon Israel to put an end to its occupation of the Arab territories,

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1/ A/49/601.

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, and in particular Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decisions;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and in particular to desist from the establishment of settlements;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 2/ and have no legal effect;

4. Calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and calls upon it to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Deplores the violations by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

2/ United Nations, Treaty Series, vol. 75, No. 973.